

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION
USING AN APPLICATION DATA SHEET (37 CFR 1.76)**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
☒ Application No. 09/872,750, filed on May 31, 2001,
☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/ we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

| FULL NAME OF INVENTOR(S) | |
|---|-----------------------|
| Inventor one <u>CRAIG RICHARD GERBI</u> | Date: <u>7/26/01</u> |
| Signature: <u>[Signature]</u> | Citizen of: <u>US</u> |
| Inventor two <u>DANIEL T. WALLACE</u> | Date: <u>8/01/01</u> |
| Signature: <u>[Signature]</u> | Citizen of: <u>US</u> |
| Inventor three _____ | Date: _____ |
| Signature: _____ | Citizen of: _____ |
| Inventor four _____ | Date: _____ |
| Signature: _____ | Citizen of: _____ |

☐ Additional inventors are being named on _____ additional form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.
PA 3147003 v1



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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NOVEMBER 08, 2001

PTAS
TOWNSEND AND TOWNSEND AND CREW LLP
DAVID HECKADON
TWO EMBARCADERO CENTER, 8TH FLOOR
SAN FRANCISCO, CALIFORNIA 94111-3834



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6/75/16 006800US

**UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT**

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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 08/30/2001

REEL/FRAME: 012138/0084
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

GERBI, CRAIG RICHARD

DOC DATE: 07/26/2001

ASSIGNOR:

WALLACE, DANIEL T.

DOC DATE: 07/27/2001

ASSIGNEE:

INTUITIVE SURGICAL, INC.
1340 WEST MIDDLEFIELD ROAD
MOUNTAIN VIEW, CALIFORNIA 94043

SERIAL NUMBER: 09872750
PATENT NUMBER:

FILING DATE: 05/31/2001
ISSUE DATE:

ALLYSON PURNELL, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

Form PTO-1595

(Rev. 03-01)

MB No. 0651-0027 (exp. 5/31/2002)

09-11-2001



101839519

rn Docket No. 017516-006800US

U.S. Department of Commerce
U.S. Patent and Trademark Office

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To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

CRAIG RICHARD GERBI

Additional name(s) of conveying parties attached? ☒ Yes ☐ No.

2. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other: _____

2. Name and address of receiving party(ies)

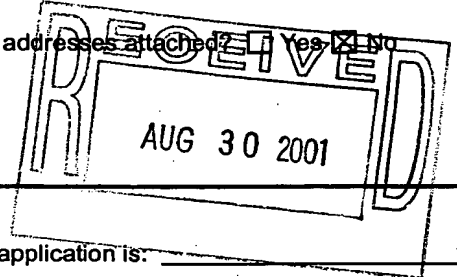
Name: Intuitive Surgical, Inc.

Internal Address: 1340 West Middlefield Road

Street Address: _____

City: Mountain View State: CA ZIP: 94043

Additional names and addresses attached? ☐ Yes ☒ No



Execution Date: July 26, 2001 and July 27, 2001

3. Application number(s) or patent number(s).

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No(s): 09/872,750

B. Patent No(s): _____

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name : David Heckadon
TOWNSEND AND TOWNSEND AND CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
(415) 576-0200

6. Total number of applications and patents involved 1

7. Total fee (37 CFR 3.41): \$40.00

- ☐ Enclosed
☒ Authorized to be charged to deposit account

8. Deposit account number: 20-1430

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true copy of the original document.

David Heckadon

Name of Person Signing

(Granted Limited Recognition under 37 CFR §10.9(b)
—see enclosed Limited Recognition Document)

David Heckadon

Signature

August 28, 2001

Date

Total number of pages including cover sheet, attachments and document 3

Mail documents to be recorded with required cover to:
Commissioner of Patents and Trademarks, Box Assignments
Washington, D.C. 20231

10/2001 6TOW11 00000052 201430 09872750

FC:581 40. CH

Additional name(s) of conveying party(ies):
(Continued from Page 1)

DANIEL T. WALLACE

Additional name(s) and address(es) of receiving party(ies):
(Continued from Page 1)

Additional application number(s) or patent number(s):
(Continued from Page 1)

A. Patent Application No.(s)

B. Patent No.(s)

ASSIGNMENT OF PATENT APPLICATION

JOINT

SIS VILLA ST, MTN VIEW, CA 94041

WHEREAS, CRAIG RICHARD GERBI, of ~~315 Old Country Road, San Carlos, CA 94070;~~
DANIEL T. WALLACE, of 621 Glenloch Way, Redwood City, CA 94043; hereinafter referred to as
"Assignors," are the inventors of the invention described and set forth in the below-identified application for
United States Letters Patent:

Title of Invention: TOOL GUIDE AND METHOD FOR INTRODUCING
AN END EFFECTOR TO A SURGICAL SITE IN
MINIMALLY INVASIVE SURGERY

Date(s) of execution of Declaration:

Filing Date: May 31, 2001

Application No.: 09/872,750; and

WHEREAS, Intuitive Surgical, Inc., a corporation of the state of Delaware, located at 1340
West Middlefield Road, Mountain View, CA, 94043, hereinafter referred to as "ASSIGNEE," is desirous of
acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which
may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors,
Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the
invention and application and to all foreign counterparts (including patent, utility model and industrial designs),
and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United
States and all countries throughout the world, and to claim the priority from the application as provided by the
Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors
and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment
not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any
division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension
thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense,
(a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the
invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including
patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may
request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all
countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignors hereby authorize and request Townsend and Townsend and Crew LLP, Two
Embarcadero Center, 8th Floor, San Francisco, CA 94111-3834, to insert herein above the application number
and filing date of said application when known.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: 7/26/01

Dated: 7/27/01

CRAIG RICHARD GERBI

DANIEL T. WALLACE

Please type a plus sign (+) inside this box →



PTO/SB/81 (02-01)

Approved for use through 10/31/2002. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | |
|--|-------------------------------|---|
| POWER OF ATTORNEY OR AUTHORIZATION OF AGENT | Application Number | 09/872,750 |
| | Filing Dat | May 31, 2001 |
| | First Named Inventor | GERBI, Craig Richard et al. |
| | Title | Tool Guide and Method for Introducing an End Effector to a Surgical Site in Minimally Invasive Surgery |
| | Group Art Unit | |
| | Examiner Name | |
| | Attorney Docket Number | 17516006800 |

I hereby appoint:

☒ Practitioners at Customer Number **20350** → **Place Customer
Number Bar Code
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☐ Practitioner(s) named below:

| Name | Registration Number |
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as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

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| Address | | | | | |
| Address | | | | | |
| City | | State | | ZIP | |
| Country | | | | | |
| Telephone | | Fax | | | |

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

| SIGNATURE of Applicant or Assignee of Record | |
|--|---|
| Company | Intuitive Surgical, Inc. |
| Name | <i>Robert F. Dennis, Patent Counsel</i> |
| Signature | <i>Robert F. Dennis</i> |
| Date | <i>8/1/01</i> |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

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Attorney Docket No. 17516006800

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Craig Richard Green and Daniel T. Wallace

Gerbi

Application No./Patent No.: 09/872,750

Filed/Issue Date: May 31, 2001

Entitled: Tool Guide and Method For Introducing an End Effector to a Surgical Site in Minimally Invasive Surgery

Intuitive Surgical, Inc., a Corporation

(Name of Assignee)

etc.)

(Type of Assignee, e.g., corporation, partnership, university, government agency,

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To : _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To : _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To : _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

8/1/01
Date

Robert F. Dennis
Signature

Robert F. Dennis
Typed or printed name

Patent Counsel
Title

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